

Minutes of the State Board of Health

January 12, 2000
Sea Tac, Washington

A meeting of the Washington State Board of Health was held at the Doubletree Hotel, Sea Tac, beginning at 9:15 a.m. The following members were present:

Dennis Braddock, Chair
The Honorable Neva J. Corkrum, Vice Chair
Thomas H. Locke, M.D., M.P.H.
Carl S. Osaki, R.S., M.S.P.H.
The Honorable Margaret Pageler, J.D.
Mary Selecky, Secretary, Department of Health
Vickie Ybarra, R.N., M.P.H.

Absent were:

Charles R. Chu, D.P.M.
Joe Finkbonner
Ed Gray, M.D.

Present from the State Board of Health (SBOH) Staff were:

Don Sloma, Executive Director
Heather Boe, Executive Assistant
Doreen Garcia, Senior Health Policy Advisor
Alejandra Tres, Environmental Justice Consultant

Present from the Department of Health (the Department) and Attorney General's (AG) Office:

Jac Davies, Department of Health, Acting Assistant Secretary
Michelle Davis, Department of Health, Manager, Regulatory Affairs
Hal Dygert, Senior Assistant AG
Maxine Hayes, Department of Health, Assistant Secretary, Community and Family Health
Patty Hayes, Department of Health, Director, Legislative and Constituent Relations
Vicki Hohner, Department of Health, Hospital & Patient Data Systems
Greg Smith, Department of Health, Coordinator, Policy Development

Other Participants and Guests:

Kathleen Conner, DSHS, MAA, Information Systems Program Analyst
Elaine Cummins, Public Health Seattle-King County, Regional Ed. Consultant
Richard Jackman, Resist the List
Lynn Kidder-Ramirez, Public Health Seattle-King County, Community Assessment
Bart Killian, Utah Health Information Network, Executive Director
Karen McDonell, Citizen
Dan Moran, Public Health Seattle-King County, Environmental Health Service Supervisor
Paul Murakami, Public Health Seattle-King County, Regional Health Officer
Ngozi Oleru, Public Health Seattle-King County, Chief, Environmental Health
Michael Stapley, Utah Health Information Network, Board of Directors
Peter B. Summerville, CHITA, Director
Todd Yerkes, Public Health Seattle-King County, Environmental Health Service Supervisor

PRELIMINARY

The January 12, 2000, public meeting of the Washington State Board of Health was called to order by Dennis Braddock, Chair, at 9:15 a.m. Chair Braddock stated this was a public meeting of the State Board of Health held under provisions of RCW 43.20. Notice of the meeting was provided in accordance with provisions of RCW 34.05, the Administrative Procedures Act.

Those members having any conflict of interest on any item coming before the Board will report that conflict with respect to the particular subject under consideration. In case of challenge of any Board members by the public, the Board shall decide the status of the challenged members to participate before considering the substance of the matter.

APPROVAL OF AGENDA

- ***ACTION: Motion: To approve the preliminary January 12, 2000 agenda as submitted. Motion/Second: Pageler/Osaki. Passed unanimously.***

ADOPTION OF DECEMBER 8, 1999, MINUTES

- ***ACTION: Motion: To approve the December 8, 1999 minutes as submitted. Motion/Second: Pageler/Osaki. Passed unanimously.***

DEPARTMENT OF HEALTH (DOH) UPDATE AND LEGISLATIVE UPDATE

Secretary Mary Selecky provided an overview of DOH's new Strategic Planning Effort (see January 11, 2000 handout). She mentioned that she has charged Dr. Maxine Hayes, Washington State Department of Health, Acting State Health Officer, to lead a group to review Tacoma-Pierce County Health Department's HIV/AIDS reporting policies. Other issues discussed included Hanford Information Network, Temporary Worker Housing, and DOH's adoption of the Juice Rule. Ms. Patty Hayes, Department of Health, Director of Legislative and Constituent Relations joined Secretary Selecky in providing a legislative update and sharing informational handouts they are using with the Legislature. Major funding issues Secretary Selecky is dealing with include Tobacco Settlement funds, ongoing funding for the Center for Health Statistics, DOH's building consolidation, and the impacts of I-695. Upcoming bills mentioned included: the proposed Patient Bill of Rights, child safety seats, home visiting, proposed Office of Child Care and Early Learning (HB2373), improving access to dental services, mandating water fluoridation, putting a moratorium on water fluoridation, Health Care Facilities Authority's financing of public health, hospital disclosure, and establishment of home health/hospice facilities.

UPDATE ON LEGAL ISSUES

Mr. Hal Dygert, Senior Assistant Attorney General, gave the Board an update on the Resist the List lawsuit. The Attorney General's Office has received notification that the Resist the List organization has filed an appeal to federal court.

PREVENTIVE HEALTH BLOCK GRANT

Dr. Hayes described that the Preventive Health Block Grant is an annual federal grant. One of the procedural requirements for the block grant is to present the block grant plan in a public forum. The plan includes youth tobacco prevention, health education, promotion of physical activity, injury prevention, prevention grants, and local health support. Dr. Hayes offered to make the full plan available upon request.

BOARD PRIORITY HEALTH ISSUE – ENVIRONMENTAL JUSTICE

Mr. Carl S. Osaki, R.S., M.S.P.H., Washington State Board of Health Member, and Ms. Alejandra Tres, Washington State Board of Health Consultant, presented an overview of their work defining Environmental Justice (EJ) and made recommendations for Board action. Board member Joe Finkbonner was unable to attend today's meeting, however he prepared this work with Mr. Osaki.

Recommendation 1: Raise Consciousness and Set Guidelines

The SBOH should appoint an EJ committee to convene a one-day EJ conference and develop EJ guidelines. Assign a 0.25 FTE for 9 months to organize and/or facilitate the creation of a committee to include, but not be limited to, agency personnel, legislators,

industry representatives, board members, community leaders, and educators. This committee will create a set of environmental justice guidelines by October 2000. Once the guidelines are agreed upon, SBOH will then recommend that the governor incorporate the findings into an executive order. The committee and SBOH will convene a state-wide EJ conference to raise consciousness concerning EJ issues.

Recommendation 2: Create a Clearinghouse for EJ Information

By July 2000 the SBOH will add a topic area to its web site relating to EJ. The web site will serve as a clearinghouse for Washington State EJ related information, groups, contacts, studies, public hearings, and chat rooms.

Recommendation 3: Inform the Public about EJ Issues

The SBOH will advise DOH and local health departments to incorporate EJ principles into their activities and to provide information through their public information channels (including posters, brochures, and newsletters) to communicate environmental justice principles and concerns simply and in different languages.

Secretary Selecky asked to delay action and to immediately begin to engage staff from DOH and DOE to discuss the proposed recommendations and how to implement them. Ms. Pageler raised concerns about adequate information for communities, differential enforcement of rules, and interpretations of EJ. Thomas H. Locke, M.D., M.P.H., supported the need for public education and social responsibility, but agreed with Ms. Pageler's concerns. He suggested we bring the players together to assess if current standards are being enforced. Chair Braddock asked Mr. Osaki to move forward with the recommendations, but to meet with agency staff right away, then come back to the next Board meeting with an update. Also, he asked to see preparation on EJ issues in locales the Board will be visiting outside of the Seattle area, then include some public discussion on those focused issues at Board meetings in those locales. Mr. Dygert offered the assistance of the Attorney General's office on standing EJ law.

UTAH HEALTH INFORMATION NETWORK (UHIN)

Mr. Michael Stapley, Utah Health Information Network (UHIN) Board of Director, provided an overview of the history and purpose of the UHIN. They created a state non-profit organization comprised of a broad-based coalition of health care insurers, providers, state government, Medicare, and others to reduce health care administrative costs through data standardization of administrative health data and electronic commerce. The operational costs are borne by those who use the system. They focus on standardization, electronic data interchange (EDI), and a state health statistical database. Board members asked questions about UHIN and the comparability of UHIN in Washington. Mr. Don Sloma, Washington State Board of Health Executive Director, briefly talked about the roles of Community Health Information Technology Alliance (CHITA) and the Department of Information Services. Dr. Hayes asked about how the information is used to improve health status. Mr. Stapley stated that UHIN is not a data repository, but is a conduit. It does no analysis of the data it transmits. They send the information to the state and the state can analyze the data. Mr. Richard Jackman, Resist the List, asked about retention of patient information and the role of Blue Cross as the "switch." See website for additional information at <http://www.uhin.com>. Ms. Kathleen Conner, Information Systems Program Analyst from MAA, asked if important health information standards would be lost with Health Insurance Portability and Accountability Act (HIPAA) implementation. Mr. Stapley said their needs were met. Ms. Conner stated Washington's needs would not be met.

BOARD PRIORITY HEALTH ISSUE – COMMUNICABLE DISEASE REPORTING RULES

Dr. Locke and Mr. Greg Smith, Washington State Department of Health, Policy Development Coordinator, presented an overview of the Board's priority area, Notifiable Conditions/Communicable Disease Reporting. Mr. Smith presented a table summarizing ten different reporting timeframes for reporting of nine different conditions that are currently reported: communicable diseases by health care providers and facilities, blood lead levels, animal bites, influenza reporting, pesticide poisoning, gunshot wounds, communicable diseases by laboratories, birth defects, and cancer. Mr. Smith presented a proposed approach to simplify

and streamline reporting of all passively reported conditions (all notifiable conditions except cancer reporting). This proposal was developed based on the past two years of work with multiple stakeholders across the state. Dr. Locke explained that each condition that is reported on should reflect a public health concern or priority. Dr. Locke presented a proposed list that identifies new conditions to be included and excludes those that are no longer needed. In addition, the proposal includes an integrated approach to rule review and revision regardless of whether the regulatory authority lies with DOH, the Department of Labor and Industries (L&I), or with the Board.

Recommendation:

The Board should direct DOH to continue development of a revised and integrated set of notifiable conditions surveillance regulations as outlined under option three in Dr. Locke's January 5, 2000 memo to the Board which states "Almost Complete Consolidation of the Notifiable Conditions Regulations (Except Cancer Reporting) – This option would integrate all the passive surveillance systems under a common regulatory framework with fewer timelines and a single data collection process. These regulations would be incorporated into one new chapter of WAC entitled "Notifiable Conditions". These regulations would incorporate the recently adopted HIV reporting regulations without material change." This will allow the greatest functional integration of the regulatory basis for notifiable conditions surveillance while respecting the spirit of the agreements made over the course of the past year regarding HIV surveillance.

Therefore, be it resolved that DOH and L&I continue development of revised notifiable conditions regulations, and that DOH and L&I use the time between now and May 2000 to work with the Board sponsors to draft regulations consistent with the recommendation above and conduct the required economic analyses. When the sponsors are satisfied that the draft regulations meet the recommendation, that they be authorized to release the CR-102 for final public comment, with a final hearing to be held on the regulations at the June 2000 meeting of the Board.

Chair Braddock asked if having a standardized electronic data interchange would enable this to occur. Mr. Smith answered that it would and would enable information to be submitted sooner. Mr. Osaki asked about incentives or disincentives for providers or laboratories to report. Members agreed that positive incentives are preferred. They agreed that the incentives include feedback of information, as well as expediency of payment to private providers. Mr. Sloma stated that ambulatory care reporting is the "weak link" in timely reporting and he suggested the Board consider the possibility of withholding payment without the submission of information as well as immediate payment for those that do submit the information quickly. Chair Braddock asked if we need a Memorandum of Understanding (MOU) with L&I. Mr. Smith clarified that L&I does not have independent authority with rulemaking—the authority lies with the Board. He stated that L&I is anxious to work together. Mr. Bart Killian, UHIN Executive Director, suggested Washington take a leadership role in helping create national standards for public health.

- ***ACTION: Motion: To approve recommendation for option three. Motion/Second: Pageler/Corkrum. Passed unanimously.***

Dr. Locke gave the Board a brief update on immunization policy activities that will come as proposals to the Board in the future.

COMMUNITY HEALTH INFORMATION TECHNOLOGY ALLIANCE (CHITA)

Mr. Peter Summerville, CHITA Executive Director, presented an overview of CHITA and its view that the future for medical information lies in the Internet. He described the differences between privacy, security, and confidentiality. CHITA has just received a multi-million dollar grant from the Robert Wood Johnson Foundation as part of a five-state effort to promote electronic commerce in the health industry (Washington, Utah, Massachusetts, Minnesota, and North Carolina). A Health Privacy Summit will be held this spring on implementation of HIPAA. For more information about CHITA, see their website: <http://www.chita.org>

Chair Braddock asked staff to work with CHITA to see if the Board can involve others such as the Office of the Insurance Commissioner, Washington State Hospital Association, and others to bring interests together.

RECOMMENDATION REGARDING VISUAL AND AUDITORY SCREENING RULE CHANGE (WAC 246-760)

Ms. Vickie Ybarra R.N., M.P.H., summarized the status of the potential Visual and Auditory Rule Change and made the recommendations below for Board action. Ms. Ybarra complimented DOH and Office of the Superintendent of Public Instruction (OSPI) on their collaborative efforts on behalf of children. She also complimented OSPI and the schools at the local level for their important work.

Recommendation 1:

The Board should not change WAC 246-760 at this time. The Board should work with DOH and OSPI to analyze the need for and timing of visual and auditory screening in the context of access to clinical preventive services as part of the Board's "Children's Health" Initiative. More information should be made available and stakeholders should be involved in determining changes to the current rule over the next 12-18 months in this broader context.

Recommendation 2:

The State Board of Health should ask the Superintendent of Public Instruction, Dr. Terry Bergeson, to work together with the Board on issues of mutual concern regarding children's health. In addition, the Board should ask the Superintendent to work with DOH to collect and analyze information on the number and results of visual and auditory screenings students have received. Since this information is currently not collected at the state level, a request to that effect should be sent to Dr. Bergeson.

Mr. Sloma described the process for rule review. A CR-101 is notification that a rule is going to be under review. A CR-102 is a draft rule that is ready for public hearing. A CR-103 is the final approved rule. A CR-101 was filed for the Visual and Auditory Screening Rule in the past.

- ***ACTION: Motion: To approve recommendations one and two. Motion/Second: Osaki/Pageler. Passed unanimously.***

OPEN PERIOD TO TAKE PUBLIC TESTIMONY ON ANY HEALTH ISSUES

Ms. Karen McDonell, citizen, testified about the importance of environmental justice and the prevalence of cancer today. She is a cancer victim and cited many other people she knows who are cancer victims. She asked the Board to identify environmental hazards causing cancer. She asked the Board to review the resources devoted to infectious diseases compared to those devoted to environmental health. Chair Braddock suggested that Mr. Osaki consider this request in his EJ Subcommittee's work. Ms. Pageler mentioned efforts in Seattle focused on reducing the impact of environmental contaminants on the public.

ADJOURNMENT

The meeting adjourned at 3:25 p.m.

WASHINGTON STATE BOARD OF HEALTH

Dennis Braddock, Chair